

MUNGER, TOLLES & OLSON LLP

560 MISSION STREET  
SAN FRANCISCO, CALIFORNIA 94105-2907  
TELEPHONE (415) 512-4000  
FACSIMILE (415) 512-4077

March 24, 2021

Writer's Direct Contact  
(415) 512-4017  
(415) 644-6917 FAX  
kelly.klaus@mto.com

VIA ECF

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Planck, LLC, d/b/a Patch Media, Inc., d/b/a News Break et al.*,  
No. 20-cv-10959, Defendants' Request for Extension of Page Limits on Motion to  
Transfer Venue and/or Dismiss

Dear Judge Schofield:

Pursuant to the Court's Individual Rules and Procedures for Civil Cases, defendants respectfully request that the Court extend the page limits on a consolidated motion to transfer venue and/or dismiss plaintiff's first amended complaint ("FAC") as follows: opening memorandum of law, not to exceed 35 pages; opposition brief, not to exceed 35 pages; reply brief, not to exceed 13 pages. Plaintiff's counsel has informed us that plaintiff consents to this request.

Defendants believe there is good cause for this request because it (1) avoids burdening the Court with multiple motions from different defendants, who otherwise would have different due dates for responding to the FAC, and (2) allows additional briefing space for all defendants to make all of their arguments in support of the motion. Plaintiff's original complaint named only one defendant, Particle Media, Inc., d/b/a News Break ("News Break"). In its pre-motion letter brief, plaintiff told the Court it would add new claims to the FAC—which plaintiff has done—but plaintiff did not say it was going to add new named defendants. Dkt. 25. Following the submission of the pre-motion letters, the Court set March 31, 2021 as the deadline for News Break's motion. Dkt. 26.

Plaintiff then filed the FAC on March 17, 2021. The FAC does not only add new claims for relief (three, in addition to the three in the original complaint). The FAC also adds two new defendants, Jeff Zheng and Vincent Wu, who are News Break's CEO and COO, respectively. Dkt. 27. Plaintiff asked the individual defendants to waive service of process, and the individual defendants agreed to do so. Dkt. 32, 33. Plaintiff sent the waivers to the individual defendants on March 22, 2021. Accordingly, the individual defendants' deadline to respond to the FAC is May 21, 2021. Fed. R. Civ. P. 4(d)(3), 12(a)(1)(A)(ii).

In order to avoid multiple motions and move the case forward, all defendants are willing to file a single motion on March 31, 2021. However, defendants believe the page limits set forth in Section III.B.1 of the Court's Individual Rules will not allow sufficient space for the

MUNGER, TOLLES & OLSON LLP

Honorable Lorna G. Schofield  
March 24, 2021  
Page 2

presentation of all arguments by all defendants, including the possibility of one or both of the individual defendants, who reside in California, moving to dismiss for lack of personal jurisdiction.

Defendants' request is reciprocal and would allow plaintiff a corresponding extension of the page limit for the opposition brief. Defendants also request an additional three pages for their reply brief.

As noted, plaintiff's counsel has authorized us to inform the Court that plaintiff consents to this request.

For these reasons, defendants respectfully request that page limits for the opening memorandum of law and opposition brief on defendants' motion be 35 pages each, and that the page limit for the reply brief be 13 pages. We thank the Court for its consideration of this request.

Respectfully Submitted,

/s/ Kelly M. Klaus  
Kelly M. Klaus

cc: All Counsel of Record (via ECF)